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The official record for this  
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as they are received and will place the  
paper copies in the official rulemaking  
record which will also include all  
comments submitted directly in writing.  
The official rulemaking record is the  
paper record maintained at the address  
in "ADDRESSES" at the beginning of  
this document.

Under Executive Order 12866 (58 FR  
51735, Oct. 4, 1993), the Agency must  
determine whether the regulatory action  
is "significant" and therefore subject to  
all the requirements of the Executive  
Order (i.e., Regulatory Impact Analysis,  
review by the Office of Management and  
Budget (OMB)). Under section 3(f), the  
order defines "significant" as those  
actions likely to lead to a rule (1) having  
an annual effect on the economy of \$100  
million or more, or adversely and  
materially affecting a sector of the  
economy, productivity, competition,  
jobs, the environment, public health or  
safety, or State, local or tribal  
governments or communities (also  
known as "economically significant");  
(2) creating serious inconsistency or  
otherwise interfering with an action  
taken or planned by another agency; (3)  
materially altering the budgetary  
impacts of entitlement, grants, user fees,  
or loan programs; or (4) raising novel  
legal or policy issues arising out of legal  
mandates, the President's priorities, or  
the principles set forth in this Executive  
Order.

Pursuant to the terms of this  
Executive Order, EPA has determined  
that this rule is not "significant" and is  
therefore not subject to OMB review.

Pursuant to the requirements of the  
Regulatory Flexibility Act (Pub. L. 96-  
354, 94 Stat. 1164, 5 U.S.C. 601-612),  
the Administrator has determined that  
regulations establishing new tolerances  
or raising tolerance levels or  
establishing exemptions from tolerance  
requirements do not have a significant  
economic impact on a substantial  
number of small entities. A certification  
statement to this effect was published in  
the Federal Register of May 4, 1981 (46  
FR 24950).

This proposed rule contains no  
Federal mandates under Title II of the  
Unfunded Mandates Reform Act of  
1995. Pub. L. 104-4 for State, local, or  
tribal governments or the private sector  
because it would not impose  
enforceable duties on them.

#### List of Subjects in 40 CFR Part 180

Environmental protection,  
Administrative practice and procedure,  
Agricultural commodities, Pesticides  
and pests, Reporting and recordkeeping  
requirements.

Dated: September 29, 1995.

Janet L. Andersen,  
*Acting Director, Biopesticides and Pollution  
Prevention Division, Office of Pesticide  
Programs.*

Therefore, it is proposed that 40 CFR  
part 180 be amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for part 180  
continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In subpart D, by adding new  
§ 180.1160, to read as follows:

#### § 180.1160 Jojoba oil; exemption from the requirement of a tolerance.

The insecticide and spray tank  
adjuvant jojoba oil is exempted from the  
requirement of a tolerance in or on all  
raw agricultural commodities when  
applied at the rate of 1.0% or less of the  
final spray in accordance with good  
agricultural practices, provided the  
jojoba oil does not contain simmondsin,  
simmondsin-2-ferulate and related  
conjugated organonitriles including  
demethyl simmondsin and  
didemethylsimmondsin.

[FR Doc. 95-26325 Filed 10-24-95; 8:45 am]  
BILLING CODE 6560-50-F

#### 40 CFR Part 180

[OPP-300399; FRL-4981-2]

RIN 2070-AC18

#### Octadecanoic Acid, 12-Hydroxy-, Homopolymer, Octadecanoate; Tolerance Exemption

AGENCY: Environmental Protection  
Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to  
establish an exemption from the  
requirement of a tolerance for residues  
of octadecanoic acid, 12-hydroxy-,  
homopolymer, octadecanoate (CAS Reg.  
No. 58128-22-6) when used as an inert  
ingredient (surfactant and dispersing

agent) in pesticide formulations applied  
to growing crops or to raw agricultural  
commodities after harvest, under 40  
CFR 180.1001(c). ICI Americas, Inc.,  
requested this proposed regulation  
pursuant to the Federal Food, Drug and  
Cosmetic Act (FFDCA).

DATES: Written comments, identified by  
the document control number [OPP-  
300399], must be received on or before  
November 24, 1995.

ADDRESSES: By mail, submit written  
comments to Public Response and  
Program Resources Branch, Field  
Operations Division (7506C), Office of  
Pesticide Programs, Environmental  
Protection Agency, 401 M St., SW.,  
Washington, DC 20460. In person,  
deliver comments to: Rm. 1132, CM #2,  
1921 Jefferson Davis Hwy., Arlington,  
VA 22202. Information submitted as a  
comment concerning this document  
may be claimed confidential by marking  
any part or all of that information as  
"Confidential Business Information"  
(CBI). Information so marked will not be  
disclosed except in accordance with  
procedures set forth in 40 CFR part 2.  
A copy of the comment that does not  
contain CBI must be submitted for  
inclusion in the public record.  
Information not marked confidential  
will be included in the public docket by  
EPA without prior notice. All written  
comments will be available for public  
inspection in Rm. 1132 at the address  
given above, from 8 a.m. to 4:30 p.m.,  
Monday through Friday, excluding legal  
holidays.

Comments and data may also be  
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docket@epamail.epa.gov. Electronic  
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characters and any form of encryption.  
Comments and data will also be  
accepted on disks in WordPerfect in 5.1  
file format or ASCII file format. All  
comments and data in electronic form  
must be identified by the docket number  
[OPP-300399]. No Confidential Business  
Information (CBI) should be submitted  
through e-mail. Electronic comments on  
this proposed rule may be filed online  
at many Federal Depository Libraries.  
Additional information on electronic  
submissions can be found below in this  
document.

FOR FURTHER INFORMATION CONTACT: By  
mail: Rita Kumar, Registration Support  
Branch, Registration Division (7505W),  
Environmental Protection Agency, 401  
M St., SW., Washington, DC 20460.  
Office location and telephone number:  
2800 Crystal Drive, North Tower, 6th  
Floor, Arlington, VA 22202, (703)-308-

8811; e-mail:  
kumar.rita@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** ICI Americas, Inc., Concord Plaza, 3411 Silverside Rd., P.O. Box 15391, Wilmington, DE 19850, submitted pesticide petition (PP) 5E04506 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 346a(e)), propose to amend 40 CFR 180.1001(c) by exempting octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate from the requirement of a tolerance. Octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate, when used as an inert ingredient (surfactant and dispersing agent) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest, under 40 CFR 180.1001(c), meets the definition of a polymer under 40 CFR 723.250(b) and the criteria listed in 40 CFR 723.250(e) that define a chemical substance that poses no unreasonable risk under section 5 of the Toxic Substance Control Act (TSCA).

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not to imply nontoxicity; the ingredient may or may not be chemically active.

The data submitted in the petition and other relevant material have been evaluated. As part of the EPA policy statement on inert ingredients published in the Federal Register of April 22, 1987 (52 FR 13305), the Agency set forth a list of studies which would generally be used to evaluate the risks posed by the presence of an inert ingredient in a pesticide formulation. However, where it can be determined without that data that the inert ingredient will present minimal or no risk, the Agency generally does not require some or all of the listed studies to rule on the proposed tolerance or exemption from the requirement of a tolerance for an inert ingredient. The Agency has decided that no data, in addition to that described below, for octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate will need to be

submitted. The rationale for this decision is described below.

In the case of certain chemical substances that are defined as "polymers," the Agency has established a set of criteria which identify categories of polymers that present low risk. These criteria (described in 40 CFR 723.250) identify polymers that are relatively unreactive and stable compared to other chemical substances as well as polymers that typically are not readily absorbed. These properties generally limit a polymer's ability to cause adverse effects. In addition, these criteria exclude polymers about which little is known. The Agency believes that polymers meeting the criteria noted above will present minimal or no risk.

Octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. Octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate is not a cationic polymer, nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. Octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate contains as an integral part of its composition the atomic elements carbon, hydrogen, and oxygen.

3. Octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(2)(ii).

4. Octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate is not designed, nor is it reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. Octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate is not manufactured or imported from monomers and/or other reactants that are not already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. Octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate is not a water-absorbing polymer.

7. The minimum number-average molecular weight of octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate is 1,370 daltons. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact gastrointestinal (GI) tract. Chemicals not

absorbed through skin or GI tract generally are incapable of eliciting a toxic response.

8. Octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate has a number average molecular weight of 1,370 and has an oligomeric material less than 10 percent below MW 500 and less than 25 percent below MW 1,000.

9. Octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate does not contain reactive functional groups that are intended or reasonably anticipated to undergo further reaction.

Based on the information above and review of its use, EPA has found that, when used in accordance with good agricultural practice, this ingredient is useful, and a tolerance is not necessary to protect the public health. Therefore, EPA proposes that the exemption from the requirement of a tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, that contains any of the ingredients listed herein, may request within 30 days after the publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the FFDCA.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300399]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under docket number [OPP-300399] (including comments and data submitted electronically as described below). A public version of this record, including printed paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov  
Electronic comments must be submitted as an ASCII file avoiding the

use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will be placed in the paper copies of the official rulemaking record which also will include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in the ADDRESSES section at the beginning of this document.

The Office of Management and Budget has exempted this rule from the requirements of section 2 of Executive Order 12866.

Pursuant to the requirement of the Regulatory Flexibility Act (Pub. L. 96-

354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have an economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

#### List of Subject in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 27, 1995.

Stephen L. Johnson,  
Director, Registration Division, Office of  
Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1001(c) is amended in the table therein by adding and alphabetically inserting the inert ingredient, to read as follows:

#### § 180.1001 Exemptions from the requirement of a tolerance.

\* \* \* \* \*

(c) \* \* \*

Inert ingredient	Limits	Uses
Octadecanoic acid, 12-hydroxy-, homopolymer, octadecanoate (CAS Reg. No. 58128-22-6), minimum number-average molecular weight 1,370.	* * *	* * Surfactant and dispersing agent.
* *	* * *	* *

\* \* \* \*

[FR Doc. 95-26059 Filed 10-24-95; 8:45 am]

BILLING CODE 6560-50-F

#### 40 CFR Part 180

[OPP-300398; FRL-4981-1]

RIN 2070-AB78

#### Styrene-2-Ethylhexyl Acrylate-Glycidyl Methacrylate-2-Acrylamido-2-Methylpropanesulfonic Acid Graft Copolymer; Tolerance Exemption

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to establish an exemption from the requirement of a tolerance for residues of styrene-2-ethylhexyl acrylate-glycidyl methacrylate-2-acrylamido-2-methylpropanesulfonic acid graft copolymer when used as an inert ingredient (dispersing agent/solvent) in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest. Dow Chemical Co. requested this proposed regulation pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA).

**DATES:** Written comments, identified by the document control number [OPP-

300398], must be received on or before November 24, 1995.

**ADDRESSES:** By mail, submit written comments to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, deliver comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of

objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [OPP-300398]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

**FOR FURTHER INFORMATION CONTACT:** By mail: Rita Kumar, Registration Support Branch, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, 6th Floor, Arlington, VA 22202, (703)-308-8811; e-mail: kumar.rita@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Dow Chemical Co., 1803 Building, Midland, MI 48674-1803, has submitted pesticide petition (PP) 5E04461 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food Drug, and Cosmetic Act (FFDCA) (21 U.S.C.